

MINUTES OF REGULAR MEETING July 6, 2011

CALL TO ORDER

Mayor Bischoff opened the meeting at 7:00 p.m.

“Sunshine Law” Announcement: Adequate notice of this public meeting has been provided by the Annual Notice; mailed electronically to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

FLAG SALUTE

ROLL CALL Present: Mr. Severino, Mr. Mazza, Mr. Bischoff

Absent: Ms. McBride, Mrs. Dziubek

Others Present: J. Peter Jost, Esq., Robert Clerico, Twp. Engineer and Ella M. Ruta, Clerk

APPROVAL OF PRIOR MEETING MINUTES

- a. Regular and Executive Session Meeting Minutes of June 15, 2011

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza		X	X			
Mrs. Dziubek						X
Ms. McBride						X
Mr. Bischoff			X			

Motion carried

VISITORS

- a. Trooper Flynn – State Police.
- Mr. Mazza inquired if there was any activity on Strotz Road. Trooper Flynn replied that they are patrolling when they can.
 - Trooper Flynn asked the Township to consider a policy limiting number of responses to home alarms to three per month without a fine. The issue is under advisement.
 - Mr. Severino mentioned the fence in front of Exxon is working to keep away truck parking. Mr. Severino suggested that the Mayor send a letter to the owners of Exxon expressing the Township’s appreciation of their expenditure and cooperation.
 - Mr. Mazza mentioned that John Glynn, County Engineer, said he is working on proper signage for Charlestown Road.
- b. Williams Transco Pipeline
- Mr. Bates, Program Manager, gave an Overview of the Proposed Northeast Supply Link Expansion Project. Mayor asked for the number of accidents in the last 10 years. Mr. Bates will provide the data.

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Attorney Jost noted for the record that the Township received a proposed reimbursement agreement from Williams Transco Pipeline Attorney Roy. The agreement will reimburse the Township for legal expenses in connection with the application. The Township Engineer will be asked for his input.

REPORTS RECEIVED

- a. Road Dept - Weeks Ending 6/10/11; 6/17/11; 6/24/11.
 - b. Tax Collector – June 2011
 - c. Zoning Officer – June 2011
 - d. Engineer's Report
- Perryville Road Preconstruction meeting held. Verbal approval from DOT to award contract was received.
 - Signs for speed limits. Statute provides for 35 mph limit in suburban residential district. Strotz and Henderson roads meet the requirements. Placement requirements will be given to the Road Dept. Foreman.
 - Municipal Parking Lot. Improvements were discussed.

OUT OF AGENDA ORDER**EXECUTIVE SESSION** - potential litigation

The following resolution was introduced for adoption:

RESOLUTION #2011- 98**Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12**

WHEREAS, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

WHEREAS, the *Open Public Meetings Act*, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

1. *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege*: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in Executive session on July 6, 2011, at 7:46 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

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Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza	X		X			
Mrs. Dziubek						X
Ms. McBride						X
Mr. Bischoff			X			

Motion carried

7:59 p.m. Motion to come out of Executive Session

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza		X	X			
Mrs. Dziubek						X
Ms. McBride						X
Mr. Bischoff			X			

Motion carried

RETURN TO AGENDA ORDER

CORRESPONDENCE/WRITTEN COMMUNICATIONS

Mr. Mazza mentioned the following correspondence: None

Mr. Bischoff mentioned the following correspondence:

- HC Engineer re: Unsafe Road conditions on Charlestown Road (County Route 635). Letter from the County Engineer John Glynn informing the Committee of proposed improvements.

8:00 p.m. Mr. Clerico left the meeting

PUBLIC COMMENTS

- Skip Jonas, Township resident, commented on the Williams Transco Pipeline Project presentation.
- The Mayor thanked the Stewardship Committee on the tree planting at Milligan Farm. Mr. Jonas requested \$500.00 from the Committee to finish the planting.

PUBLIC HEARING

**ORDINANCE #2011-10
AN ORDINANCE OF THE TOWNSHIP OF UNION
HUNTERDON COUNTY, NEW JERSEY
AMENDING VARIOUS SECTIONS OF THE CODE OF UNION TOWNSHIP**

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To open Public Hearing

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza		X	X			
Mrs. Dziubek						X
Ms. McBride						X
Mr. Bischoff			X			

Motion carried by unanimous favorable vote

To close Public Hearing

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza	X		X			
Mrs. Dziubek						X
Ms. McBride						X
Mr. Bischoff			X			

Motion carried by unanimous favorable vote

To adopt the above Ordinance on the second and final reading

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza	X		X			
Mrs. Dziubek						X
Ms. McBride						X
Mr. Bischoff			X			

Motion carried

OLD BUSINESS**NEW ORDINANCE – 1st Reading**

**ORDINANCE #2011 -
AN ORDINANCE OF THE TOWNSHIP OF UNION, HUNTERDON COUNTY
CREATING THE POSITION OF
PARKING ENFORCEMENT OFFICER
AND PRESCRIBING THE DUTIES THEREOF**

Ordinance tabled to be considered at the next meeting.

NOTICE

Please Take Notice that the following Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the 6 day of July, 2011. The

Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be considered for final passage at a public hearing to be held on the 3 day of August, 2011, at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, at which time all interested parties will be heard.

Ella Malecki Ruta, RMC
Municipal Clerk

ORDINANCE #2011-11

**AN ORDINANCE AMENDING AN ORDINANCE
OF THE TOWNSHIP OF UNION,
HUNTERDON COUNTY, NEW JERSEY
FOR THE PREVENTION OF DISORDERLY CONDUCT**

BE IT ORDAINED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey, that "An Ordinance of the Township of Union, County of Hunterdon, State of New Jersey for the Prevention of Disorderly Conduct," adopted on June 15, 2011, is hereby amended as follows:

1. SECTION I. 1. "Riots or disorderly assemblages," is hereby deleted in its entirety.
2. SECTION I. 2. "Loitering; indecent language," is hereby deleted in its entirety.

II. Severability. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

III. Repealer. All Ordinances or parts of Ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

IV. Effective Date. This Ordinance shall take effect after final passage, adoption and publication according to law.

Attest:

Ella Malecki Ruta, Clerk

William F. Bischoff, Mayor

First Reading:	July 6, 2011
Publication:	July 14, 2011
Public Hearing/Adoption:	August 3, 2011
Published by	August 11, 2011

Motion to introduce the above Ordinance on the first reading.

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Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza	X		X			
Mrs. Dziubek						X
Ms. McBride						X
Mr. Bischoff			X			

Motion carried

NEW BUSINESS

- a. The following resolution was introduced for adoption:

RESOLUTION 2011-99
Excavation Bond Refund
PATRICIA DEERING & HENRY JONAS
80 Country Acres Drive, Hampton, NJ 08827
Block 17 Lot 4.15

WHEREAS, Patricia Deering and Henry Jonas, did post an excavation bond in the amount of \$500.00 for work performed at Block 17 Lot 4.15, in the Township, and

WHEREAS, the work and inspections are complete, and

WHEREAS, the construction department has issued the Certificate of Occupancy and requested that this bond now be released back to Patricia Deering and Henry Jonas,

NOW, THEREFORE, BE IT RESOLVED, that the excavation bond in the amount of \$500.00, be released to Patricia Deering and Henry Jonas.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza	X		X			
Mrs. Dziubek						X
Ms. McBride						X
Mr. Bischoff			X			

Motion carried

- b. The following resolution was introduced for adoption:

RESOLUTION 2011-100
ESCROW REFUND - Fred Fritsche
215 Van Syckle Road, Hampton, NJ 08827
Block 12 Lot 2

WHEREAS, Fred Fritsche did post an escrow account for a Driveway Construction Project, and

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WHEREAS, the work and inspections are complete and all invoices have been paid,

WHEREAS, there is a remaining balance of \$253.30 in the escrow account

NOW, THEREFORE, BE IT RESOLVED that the balance of this escrow account, in the amount of \$253.30 be refunded to Mr. Fred Fritsche..

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza		X	X			
Mrs. Dziubek						X
Ms. McBride						X
Mr. Bischoff			X			

Motion carried

c. The following resolution was introduced for adoption:

Attorney Jost recused himself from any discussion and/or comments regarding Resolution #2011-101

RESOLUTION #2011-101
UNION TOWNSHIP; HUNTERDON COUNTY
2011-2012 PLENARY RETAIL CONSUMPTION LICENSE; with Conditions
PATTENBERG ENTERTAINMENT t/a Pattenburg House

BE IT RESOLVED, by the Township Committee of the township of Union, County of Hunterdon, State of New Jersey, that the following Plenary Retail Consumption License be issued in the Township of Union effective July 1, 2011 and

BE IT FURTHER RESOLVED that the Municipal Clerk, or her duly authorized agent, is hereby authorized to execute, issue and deliver such license to the following licensee with the Special Conditions noted below:

NAME & TRADE NAME: Abaco Blue LLC
t/a Pattenburg House

LOCATION & ADDRESS: 512 Pattenburg Rd.
Asbury, NJ 08802

LICENSE NUMBER: 1025-33-004-008

- Special Conditions:
1. All doors and windows, in the building, must be closed while music, live or recorded, is being played.
 2. Live music shall not be played within the confines of the building at any other time than Thursday, Friday, Saturday or Sunday.
 3. The petitioner shall provide a security person on all dates and at all times that live music is being played at the licensed premises.

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4. The patio and deck adjacent to the Pattenburg House may be utilized for lunches and dinners with the deck and patio to be closed and all patrons removed therefrom by 10:00 p.m. every evening. All food orders and service shall terminate by 9:00 p.m. each evening.
5. The Pattenburg House is limited to 92 seats (persons to be served) and such patron count shall not be increased in the utilization of the patio and deck and the total seating capacity for service of patrons shall be 92 seats, including the patio, deck and restaurant/bar areas of the Pattenburg House.
6. The only egress onto the patio and deck area after 10:00 p.m. shall be for “emergency exit” purposes only, and the outside gate to the deck shall be locked after 10:00 p.m. so that no entrance can be gained to the patio and deck area.
7. The door to the deck and patio area from inside the Pattenburg House shall be clearly marked as an emergency door.
8. The front door of the Pattenburg House shall not be propped or maintained in an open condition at any time that entertainment is performing.
9. The parking lot will be striped.

BE IT RESOLVED, that a copy of this resolution, certified to be a true copy by the Municipal Clerk, be forwarded to the Division of Alcoholic Beverage Control.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza		X	X			
Mrs. Dziubek						X
Ms. McBride						X
Mr. Bischoff			X			

Motion carried

d. **Motion to Approve** – 2011-2012 Junkyard License – Cozze Brothers LLC

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza		X	X			
Mrs. Dziubek						X
Ms. McBride						X
Mr. Bischoff			X			

e. **Motion to Approve** - Incident Report Form – Tabled

f. **Motion to Approve** – 2011 ANJEC Grant Contract for Conservation Easement Project

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza		X	X			
Mrs. Dziubek						X
Ms. McBride						X

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Mr. Bischoff			X			
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Motion carried subject to Attorney Review.

- g. **Discussion** – ACH/Credit Card Payment – Tabled for Attorney and Committee to review.

REPORTS

- a. **Attorney's Report** – Mr. Jost reported the following:

- Road & Facilities Ordinance for review and introduction at next meeting.
- Draft of License Agreement for lease of the room in the Municipal Building to be used as Museum by Union Township Historical Society. Committee to review.

Motion to approve installation of alarm keypad for downstairs entrance

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza		X	X			
Mrs. Dziubek						X
Ms. McBride						X
Mr. Bischoff			X			

Motion carried

- Ownership of the Van Syckle's Bridge was discussed.
- Have not completed Ordinance designating Pattenburg Rescue Squad as the official UT Emergency Service.

- b. **Mayor's Report**

- "Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it." A. Lincoln February 27, 1860
- Court Report – Mayor stated that the number of fine fees collected is lower than anticipated.
- Letter from Michele McBride to Freeholders regarding printing services

- c. **Committee Report**

Mr. Mazza reported the following:

- Delaware Valley Septic offers lower prices for portable toilets at the parks. Need a written quote.

Mr. Severino reported the following:

- Electronic Recycling – residents very satisfied

- d. **Clerk's Report**

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- Raffle License #2011-14 Hunterdon Medical Center Foundation; on-premise 50/50; Sept. 19, 2011

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Mazza	X		X			
Mrs. Dziubek						X
Ms. McBride						X
Mr. Bischoff			X			

Motion carried

- Application for Special Permit for Social Affair – Hunterdon Medical Center Foundation

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza		X	X			
Mrs. Dziubek						X
Ms. McBride						X
Mr. Bischoff			X			

Motion carried

PUBLIC COMMENTS

Pat Lingelbach – Asked why the position of the parking enforcement officer was created. Mayor answered that the enforcement officer will be responsible for dealing with illegally parked trucks along Frontage Road and N.J. Route 173 in the Township.

PAYMENT OF THE BILLS

The approved list of bills and all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Mazza		X	X			
Mrs. Dziubek						X
Ms. McBride						X
Mr. Bischoff			X			

Motion carried

ADJOURNMENT - There being no further business to come before the Township Committee at this time, Mr. Severino made a motion to adjourn. Mr. Mazza seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 8:41 p.m.

Respectfully submitted,

Ella M. Ruta, RMC
Township Clerk

William F. Bischoff, Mayor

Prepared by: Pat Essig, Administrative Assistant